REMARKS

I. Summary of the Office Action

In the Office Action dated September 11, 2002, claim 10 was objected to; claims 10, 19, 20 and 22-25 were rejected under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite; claims 16-18, 20, 21, 23 and 26 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,674,795 to Nelson (Nelson); claims 1-11, 13-15 and 33-36 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,507,564 to Huang (Huang '564) in view of U.S. Patent No. 4,266,807 to Griffin; claims 1-7, 11, 12 and 15 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,341,816 to Chen et al. (Chen) in view of Griffin; claims 1-11, 27-36 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,509,721 to Huang (Huang '721) in view of Griffin; claims 19 and 22 were rejected under 35 U.S.C. § 103(a) as being obvious over Nelson; claims 24 and 25 were rejected under 35 U.S.C. § 103(a) as being obvious over Nelson in view of Huang '721;

II. Summary of the Examiner's Interview

The undersigned is appreciative of the courtesies extended by Examiners Harris and Cuomo during the Examiner's Interview of November 22, 2002. With regards to claims 16-26, the undersigned explained that the bends limitation are no where taught or suggested by the applied Nelson reference. It was then agreed that the rejections based on Nelson would be withdrawn.

With regards to the remaining claims, the undersigned presented arguments against the rejections that rely on the Griffin folding stroller reference which the Examiner maintains renders obvious any frame that uses a pivot to reduce its size, e.g., from a use to storage position. Specifically, the Applicant referred to claim limitations which teach, e.g., that the pivot connects the rearward ends or that the pivot is a fastener received within a pair of cooperating holes formed in the short leg second ends. The undersigned also provided the Examiner with a brief overview of the invention by reference to the preferred embodiments set forth in the detailed description. Specifically, reference was made to Figs. 3 and 4 which show an upper frame 24 including a seat back portion 38 and left and right bends 34, 36 connected to respective ends of the seat back portion 38, where the ends of the seat back portion 38 are spaced apart by a first

distance. A Lower frame 26 is pivotally connected to upper frame 24 by hub assemblies 28, 30. Lower frame 26 includes left and right members 52, 54 connected by a pivot 68 that permits relative motion between the left and right members 52, 54. By providing pivot 68 between L-shaped members 52, 54, forward ends 56, 58 are positionable at a second distance (see e.g., length dimension B in Fig. 6) that is greater than the first distance and at a third distance (see, e.g., Fig. 5) that is less than the first distance. As shown, when the seat is fully assembled, the maximum width dimension corresponds to the second distance. If bends 34, 36 are detached from the ends of the seat back portion 38, then a maximum width extent for the disassembled seat corresponds to the first distance.

The undersigned next offered a comparison of Figs. 4 and 6 with Fig. 5 to demonstrate that the second distance (e.g., length dimension B in Fig. 6) is greater than the first distance measured between the ends of the seat back portion 38. Further, the first distance is greater than a maximum width (e.g., length dimension A in Fig. 5) of the lower frame 26 when the forward ends 56, 58 are positioned at the third distance. See Fig. 5..

New claims 38-47 are added to more fully set forth the patentable features discussed with the Examiners. Applicants submit that no combination of Huang '564, Chen, Huang '721 and Griffin teaches or suggests providing a lower frame of a bouncer seat including L-shaped left and right members coupled to each other by a pivot so as to reduce the maximum width dimension to the seat width, as set forth in claim 38. As to new method claim 44, none of the art of record teach or suggest the steps of assembling a bouncer seat including, among other steps, providing a deployable, ground engaging stabilization frame where rear leg portions are pivoted from a first stowed angle to a second deployed angle that is greater than the first stowed angle and forward leg portions are connected to left and right hubs so that second ends of the rear leg portions are spaced apart by a distance greater than the maximum disassembled distance..

III. Summary of the Response to the Office Action

Claims 1-26 and 37-47 are pending. Applicants have amended claims 1, 10, 19, 20, 22 and 23 and added new claims 37-47. Claims 27-36 have been canceled without prejudice or disclaimer. No new matter has been added. In view of the amendments above and the remarks below, Applicants respectfully request reconsideration of claims 1-26 and 37-47 and an

indication that claims 1-26 and 37-47 are allowable.

IV. The Rejection of 10, 19, 20 And 22-25 Under 35 U.S.C. § 112, Second Paragraph

Applicants have rephrased claims 10, 19, 20, 22 and 23 to obviate the rejection under Section 112, second paragraph. Accordingly, Applicants respectfully request the Examiner to reconsider claims 10, 19, 20 and 22-25 and indicate these claims as allowable. Applicants do not consider the rephrasing of claims 10, 19, 20 and 22-25 to constitute narrowing amendments.

V. The Rejections of Claims 16-23 and 26 in View of Nelson

As agreed during the Examiner's Interview and indicated on the Interview Summary, the rejection of claim 16 based on Nelson will be withdrawn. Accordingly, Applicants respectfully requests that claim 16 be indicated as allowable.

Claims 17-23 and 26 depend from allowable claim 16 and recite additional features which further distinguish over the art of record. For at least these reasons, claims 17-23 and 26 are allowable over the art of record.

VI. The Rejection of Claims 24 and 25 in View of Nelson and Huang '721

It was agreed during the Examiner's Interview that Nelson does not anticipate independent claim 16. In particular, it was agreed that Nelson does not disclose a bend formed between the seat back portion and each of the left and right ends, as recited in claim 16. Claims 24 and 25 depend from allowable claim 16. Applicants respectfully point out that, like Nelson, Huang '721 neither teaches nor suggests bends as recited in claim 16.

Huang '721 appears to disclose a foldable recliner structure for an infant that includes two first sections 22 connected to a u-shaped second section 24. A first end of each of the first sections 22 is connected in a hole 11 of a respective fixed seat 10. See column 2, lines 61-67 and Fig. 1 of Huang '721. As viewed in Fig. 1, the first sections 22 are straight. Therefore, neither Nelson nor Huang '721, alone or in combination, teach or suggest bends as recited in independent claim 16. Applicants respectfully request the Examiner to reconsider the rejection of dependent claims 24 and 25 and indicate these claims as allowable at least for the reasons that claims 24 and 25 depend from allowable claim 16.

VII. The Various Rejections of Claims 1-15 in View of Griffin

Applicants respectfully traverse the various rejections under Section 103(a) that are based upon a combination of each Huang '564, Chen, and Huang '721 with Griffin for the reasons set forth below.

As noted earlier, the invention is directed, in part, to a seat assembly that allows a child's seat to be packaged in a reduced volume. Claim 1 is directed to this feature. Claim 1, as amended, recites that when the frame assembly is in the disassembled configuration, at least one of the left and right members is rotated about the pivot and when the frame assembly is in the assembled configuration, the forward ends being connected to the second receptacles prevent the left and right members from rotating about the pivot.

Each of Huang '564, Chen and Huang '721 appears to disclose a chair that includes an upper frame connected to a lower so that the chair is foldable between a collapsed position and a deployed position. The Office Action acknowledges that each of Huang '564, Chen and Huang '721 fail to teach or suggest a lower frame including left and right members connected by a pivot, but nevertheless concludes that Griffin's collapsible stroller frame renders claim 1 obvious.

Griffin appears to disclose a collapsible frame structure for a push chair that includes a tubular members 10, 11, 12, 13, a collapsible X frame 21, and over-center linkages 24, 41 interconnected by plurality of pivots 15, 16, 17, 18 and articulated connections 22, 23. See Fig. 3 of Griffin. In contrast to claim 1, Applicants respectfully point out that Griffin does not teach or suggest a frame that has foldable members when disconnected, but not when the frame is connected. Indeed, Griffin's frame is intended to be folded when fully connected. For at least this reasons, Applicants respectfully submit that none of the art of record teach or suggest the frame assembly for a child bouncer seat of claim 1. Accordingly, Applicants respectfully request that claim 1 be indicated as allowable.

Claims 2-15 depend from allowable claim 1 and recite additional features which further distinguish over the art of record. For at least these reasons, claims 2-15 are allowable over the art of record.

VIII. New Claims 37-47

New claim 37 depends from allowable claim 1 and recites additional features that further distinguish over the art of record. For at least these reasons, claim 37 is allowable over the art of record.

As alluded to earlier, new claims 38-47 are directed to other patentable features of the invention discussed during the Examiner's Interview (as summarized above). Accordingly, Applicants respectfully submit that claims 38-47 are allowable over the prior art of record and request indication as such by the Examiner.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims. **Applicant respectfully invites the Examiner to contact the undersigned at (202) 739- 5983 if there remains any outstanding issues that need to be addressed before a Notice of Allowance can issue.**

EXCEPT for issue fees payable under 37 C.F.R § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTION PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Attached hereto is a marked up version of the changes made by this amendment. The attached pages are captioned Submission of Marked Up Version of the Changes.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: December 30, 2002

By: _____
William G. Battista, Jr.
Registration No. 37,525

Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202.739.3000
Customer No. 009629

SUBMISSION OF MARKED UP VERSION OF THE CHANGES

IN THE CLAIMS:

Claims 1-26 have been amended as follows:

1. (Amended) A frame assembly for a child bouncer seat, the frame assembly including a disassembled configuration and an assembled configuration, comprising:

an upper frame including left and right ends;

a left and right hub assembly, each of the hub assemblies includes a first receptacle coupled to a respective one of the left and right ends, and a second receptacle;

a lower frame including left and right members having respective forward and rearward ends, wherein the forward ends are connected to the second receptacles when the frame assembly is in the assembled configuration and wherein at least one of the forward ends is disconnected from a respective second receptacle when the frame assembly is in the disassembled configuration; and

a pivot connecting the rearward ends, wherein when the frame assembly is in the disassembled configuration, at least one of the left and right members are ~~[rotatable]~~ **rotated** about the pivot so as to allow the at least one of the left and right members ~~[to be positionable]~~ to be **positioned** between a first and second angular position relative to the other**, and wherein when the frame assembly is in the assembled configuration, the forward ends being connected to the second receptacles prevents the left and right members from rotating about the pivot**.

2. The frame assembly of claim 1 wherein the left and right members are L-shaped.

3. The frame assembly of claim 2, wherein each of the left and right L-shaped members include a short leg extending from left to right and right to left, respectively, and a long leg, the long leg extending forwardly from the respective short leg, and each of the short legs have a first end proximate the long leg and a second end,

wherein the pivot couples the left L-shaped member to the right L-shaped member

through the second ends of the short legs.

4. The frame assembly of claim 3, wherein the pivot is disposed approximately equidistant from the left and right long legs.

5. The frame assembly of claim 4, wherein the pivot is a fastener received within a pair of cooperating holes formed in the short leg second ends.

6. The frame assembly of claim 1, the frame assembly being adapted for use on a support surface, wherein the hub assemblies are rigid relative to the lower frame, wherein a portion of the left and right members is elevated from the support surface so as to be resiliently displaceable relative to the hub assemblies, the elevated portion defining a flexural member providing bouncing motion when the frame assembly is in the assembled configuration.

7. The frame assembly of claim 1, wherein the first angular position is formed when the left and right forward ends are spaced from each other and the second angular position is formed when the left and right forward ends are positioned approximately adjacent each other.

8. The frame assembly of claim 1 wherein the lower frame pivots between at least one unfolded position in which the lower frame is angularly displaced from the upper frame and a folded position in which the lower frame lies substantially co-planar with the upper frame.

9. The frame assembly of claim 8 wherein the lower frame being angularly displaced from the upper frame corresponds to a rotational displacement about a first axis, wherein the left and right hub assembly are positionable between at least one first orientation and a second orientation, the at least one first orientation corresponding to the first receptacle being rotationally offset from the second receptacle, the rotational offset being measured relative to the first axis,

wherein when the lower frame is in the at least one unfolded position, the left and right hub assemblies are in the at least one first orientation and wherein when the lower frame is in the

folded position the left and right hub assemblies are in the second orientation.

10. (Amended) The frame assembly of claim ~~[1]~~ 6 wherein the left and **right** hub assemblies are disposed adjacent the support surface.

11. The frame assembly of claim 1 further comprising an intermediate frame coupled to the upper frame.

12. The frame assembly of claim 11 wherein the intermediate frame is pivotable between a first position adjacent the upper frame and a second position angularly spaced from the upper frame.

13. The frame assembly of claim 1 wherein each of the hubs include a first housing and a second housing;

the first housing including a first gear surface, a button, and the first receptacle;

the second housing including a second gear surface and the second receptacle;

the first and second gear surfaces are circular in shape and include radially extending teeth; and

a gear having teeth engageable with each of the first and second gear surfaces; and

the button engages the gear.

14. The frame assembly of claim 13 wherein the button and the gear are displaceable relative to the first and second housings to disengage the gear from at least one of the first and second gear surfaces so that the first housing is rotatable relative to the second housing.

15. The frame assembly of claim 1 wherein the upper frame describes a seat support adapted to receive a seating surface; and

the left and right ends extend forwardly and outwardly from the seating area and the left and right members extend rearwardly and inwardly from the second receptacles.

16. A child seat comprises:

a first frame including a seat back portion, left and right ends and a bend formed between the seat back portion and each of the left and right ends;

a second frame having left and right portions pivotably coupled to the first frame by engagement with the bends; and

wherein the second frame is rotatable about the bends between a deployed position in which the second frame is angularly spaced from the first frame so as to provide a seat support, and a folded position in which the second frame is substantially co-planar with the first frame.

17. The child seat of claim 16 wherein the bends are serpentine bends.

18. The child seat of claim 16 wherein the first frame is a unitary first frame.

19. (Amended) The child seat of claim 16 wherein the second frame is formed by a single piece of ~~[wire-like]~~ **wire form** material and the first frame is formed by a single piece of ~~[wire-like]~~ **wire form** material.

20. (Amended) The child seat of claim 16 wherein the seat back portion defines a plane substantially corresponding to a seating surface, wherein each of the bends is ~~[serpentine-like]~~ **serpentine** and includes a first, second and third section, the second section extending forwardly from the seat back portion plane and being disposed between the first and third sections, and the first and third sections extending approximately parallel to the seat back portion plane,

wherein the second section and the first section supports the second frame as a cantilever in the deployed position and the second frame is rotated about the second section when the second frame is positioned in the folded position.

21. The child seat of claim 16, wherein the second frame is engaged with the bends by eyelets formed at the second frame left and right portions.

22. (Amended) The child seat of claim 21, wherein the bends and the eyelets are formed from ~~[wire-like]~~ **wire form** material.

23. (Amended) The child seat of claim ~~[14]~~ 16 further including a ground engaging base coupled to the left and right ends.

24. The child seat of claim 23 wherein the base includes left and right base portions and wherein the base is pivotally coupled to the left and right ends by a left and right hub each having a first portion connected to a respective one of the left and right ends and a second portion connected to a respective one of the left and base right portions.

25. The child seat of claim 24 wherein the base is displaceable relative to the seat back portion to position the base substantially co-planar with the seat back portion when the second frame is in the folded position.

26. The child seat of claim 16 wherein the child seat is a bouncer seat.